



**CITY OF HAYWARD**  
**AGENDA REPORT**

AGENDA DATE 04/23/02

AGENDA ITEM 4

WORK SESSION ITEM \_\_\_\_\_

**TO:** Mayor and City Council

**FROM:** Chief of Police

**SUBJECT:** Accessing State and Local Summary Criminal History Information for  
Employment, Licensing, or Certification Purposes

**RECOMMENDATION:**

It is recommended the Council adopt the attached resolution that authorizes the City to access summary criminal history information, maintained and provided by the Department of Justice, for employment, licensing, and certification purposes.

**BACKGROUND:**

California Penal Code Sections 11105(b)(10) and 13300(b)(10) authorize cities, counties, and districts to access state and local summary criminal history information for employment, licensing, or certification purposes.

The code sections also require City Council to specifically authorize access to summary criminal history information for employment (including volunteers and contract employees), licensing, or certification purposes. According to Department of Justice (DOJ), the current authorization, done in the mid-1970s, only authorizes submission of applicant fingerprints for employment purposes. Approval of the attached resolution is required to comply with DOJ regulations.

Prepared by:

A handwritten signature in cursive script, appearing to read "Harry Bruno".

Harry Bruno, Administrative Analyst II

Recommended by:

A handwritten signature in cursive script, appearing to read "Dennis Houghtaling".

Dennis Houghtaling, Acting Chief of Police

Approved by:

A handwritten signature in cursive script, appearing to read "Jesús Armas".

Jesús Armas, City Manager

Attachment: Draft Resolution

**DRAFT**

HAYWARD CITY COUNCIL

NH  
4/14/02

RESOLUTION NO. \_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY MANAGER TO  
ALLOW THE POLICE DEPARTMENT TO ACCESS STATE  
AND LOCAL SUMMARY CRIMINAL HISTORY  
INFORMATION FOR EMPLOYMENT, LICENSING, OR  
CERTIFICATION PURPOSES**

WHEREAS, California Penal Code, sections 11105(b)(10) and 13300(b)(10) authorize cities, counties, and districts to access state and local summary criminal history information for employment, licensing, or certification purposes; and

WHEREAS, California Penal Code, sections 11105(b)(10) and 13300(b)(10) require that there be a requirement or exclusion from employment, licensing, or certification based on specific criminal conduct on the part of the subject of the record; and

WHEREAS, California Penal Code, sections 11105(b)(10) and 13300(b)(10) require the city council, board of supervisors, or governing body of a city, county or district to specifically authorize access to summary criminal history information for employment, licensing, or certification purposes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manger/designee is authorized to access summary criminal history information for employment (including volunteers and contract employees), licensing, or certification purposes.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2002

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward